

STATE OF MICHIGAN
COURT OF APPEALS

UNPUBLISHED
April 12, 2011

In the Matter of D. J. COOK, Minor.

No. 300045
Livingston Circuit Court
Family Division
LC No. 09-012820-NA

Before: O'CONNELL, P.J., and K.F. KELLY and RONAYNE KRAUSE, JJ.

MEMORANDUM.

Respondent K. Long appeals as of right from a trial court order terminating his parental rights to the minor child pursuant to MCL 712A.19b(3)(c)(i), (g), and (j). We affirm.

A statutory ground for termination must be proven by clear and convincing evidence. *In re Trejo*, 462 Mich 341, 355; 612 NW2d 407 (2000). Only one statutory ground is required to terminate parental rights. *Id.* This Court reviews “for clear error a trial court’s factual findings as well as its ultimate determination that a statutory ground for termination of parental rights has been proved by clear and convincing evidence.” *In re Mason*, 486 Mich 142, 152; 782 NW2d 747 (2010); MCR 3.977(K). A finding is clearly erroneous if, despite there being some evidence to support it, “the reviewing court on the entire evidence is left with the definite and firm conviction that a mistake has been made.” *Id.*, quoting *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). This Court gives deference to the trial court’s special opportunity to observe and judge the credibility of witnesses. *In re HRC*, 286 Mich App 444, 459; 781 NW2d 105 (2009).

The trial court did not clearly err in finding that §§ 19b(3)(g) and (j) were each established by clear and convincing evidence. Petitioner presented ample evidence that respondent has a history of aggressive tendencies and domestic violence, including a violent incident in March 2010 after he had completed anger management therapy. Petitioner’s experts testified that exposure to violence and aggression would be harmful to the child, who himself has a history of severe behavioral and emotional problems marked by violent tendencies and requires consistent and stable care to avoid adverse behaviors. Petitioner also presented clear evidence of the child’s developmental delays and reactive attachment disorder arising from his past unstable environment. The evidence showed that respondent failed to grasp the nature and extent of the child’s special needs and denied the need for education on managing his child’s needs because he believed that his own life experience as a special needs child was sufficient preparation. The trial court did not clearly err in finding that respondent was unable to provide proper care and

custody for the child, and that there was no reasonable expectation that he would be able to do so within a reasonable time, or in finding that the child was reasonably likely to be harmed if placed in respondent's care.

Because grounds for termination were sufficiently established under §§ 19b(3)(g) and (j), it is unnecessary to determine whether the trial court erred in relying on § 19b(3)(c)(i) as an additional ground for termination. See *In re Trejo*, 462 Mich at 355.

Once a statutory ground for termination is established, the trial court shall order termination of parental rights if it finds that termination is in the child's best interests. MCL 712A.19b(5). The trial court's best interests decision is reviewed for clear error. *In re JK*, 468 Mich 202, 209; 661 NW2d 216 (2003). Although respondent asserts in his statement of questions presented that the trial court erred in finding that termination of his parental rights was in the child's best interests, respondent fails to present any specific argument in support of this issue in his brief. Therefore, the issue may be deemed abandoned. See *People v McGraw*, 484 Mich 120, 131 n 36; 771 NW2d 655 (2009). In any event, the record amply supports the trial court's best interests decision. Considering the evidence of respondent's lack of involvement in the child's life, the evidence of the child's many special needs, and the evidence that respondent was reluctant to educate himself on those needs and his belief that no education was necessary, the trial court did not clearly err in finding that termination of respondent's parental rights was in the child's best interests.

Affirmed.

/s/ Peter D. O'Connell
/s/ Kirsten Frank Kelly
/s/ Amy Ronayne Krause